

1 MR. COHEN: We don't object to the tab, but my notes
2 were confusing. We object to the paragraph but not to the
3 tab. And --

4 JUDGE CHACHKIN: All right, well --

5 MR. COHEN: -- Mr. Schauble would tell you why when
6 we get to the tab.

7 JUDGE CHACHKIN: All right. We'll get to the tabs
8 later. But paragraph 38 is stricken. Any objection to 39?

9 MR. COHEN: Same objection, Your Honor.

10 MR. SCHAUBLE: Can we have a moment, Your Honor?

11 JUDGE CHACHKIN: Yes.

12 MR. COHEN: I need to get my instructions, Your
13 Honor.

14 MR. SCHONMAN: Your Honor, could we take our morning
15 break now?

16 JUDGE CHACHKIN: All right. Let's take a ten minute
17 break at this time.

18 (Off the record.)

19 (Back on the record.)

20 JUDGE CHACHKIN: All right. Back on the record.

21 Paragraph 39?

22 MR. COHEN: Your Honor, this is a different kettle
23 of fish. And I want to make it clear, and why, in my
24 judgment, it's different.

25 Except for the first sentence, paragraph 39, I ruled

1 as relevant because it deals with similarities between TBN and
2 NMTV, or differences, depending on how you want to put it, but
3 it certainly is relevant to the control issues for that
4 reason.

5 JUDGE CHACHKIN: Excuse me?

6 MR. COHEN: The first sentence I object to for the
7 reasons that I offered earlier, but I have no objection to the
8 remainder.

9 MR. TOPEL: Let me see if I could follow on this.

10 MR. COHEN: "His Hand Extended" is a TBN program,
11 and so is "Community Outreach," which is relevant under the
12 control issue because it deals with the relationship between
13 TBN and NMTV.

14 MR. TOPEL: Well, Your Honor, but -- it's all well
15 and good, but Mr. Cohen has just asked you to strike all the
16 programming that, in the program log is recorded as local,
17 that is that's not TBN programming, so he wanted a totally
18 distorted record, he wants to leave everything in that's
19 common with TBN, but take out everything that's different than
20 TBN. So he's admittedly, he's changing his argument now --

21 MR. COHEN: I don't agree with that, Your Honor.

22 MR. TOPEL: I mean I don't think that -- that if one
23 portion of our programming is admitted because it's relevant
24 to show a similarity, then I think we need to go back and
25 revisit the programming that was stricken because that

1 programming is programming that's not TBN programming.

2 MR. COHEN: But Your Honor, I would -- I withdraw my
3 remarks and to be consistent, because I don't want to spend
4 any more time on this, because I want to get done, and I don't
5 want to open this door to re-argue all this, so I will make
6 the same argument to paragraph 39, and moot this. So that we
7 can hopefully be done by Christmas. So I will make the same
8 argument on 39 for the -- as I made --

9 MR. TOPEL: Objecting --

10 MR. COHEN: -- for --

11 MR. TOPEL: You're objecting to 39?

12 MR. COHEN: Yes, I'm objecting to 39, Your Honor.
13 On the same basis I objected to the other paragraphs, so we
14 don't have to re-open this.

15 JUDGE CHACHKIN: All right. Paragraph 39 is
16 stricken. What's the Bureau's position before I strike it,
17 what's the Bureau's position? It would be very simple, it
18 seems to me, that if you wanted to demonstrate the similarity
19 of programming with TBN and to contrast it, to prepare an
20 Exhibit, setting forth the programs, a description of the
21 programs which are programs brought up from TBN and the
22 programs which are local, and which are created, produced,
23 whatever, by the station. And why you had to do it in this
24 manner, is totally -- I can't understand it frankly.

25 MR. TOPEL: I apologize.

1 JUDGE CHACHKIN: If that was your purpose to say --
2 to demonstrate that the fact there's no control, here are the
3 programs that are -- that we -- that are local, in which TBN
4 has no role in, etc., and provide the programs, why didn't you
5 do that, what's the purpose of presenting this --

6 MR. TOPEL: I apologize for not doing it that way,
7 Your Honor, but --

8 JUDGE CHACHKIN: I mean, you do have a control
9 issue, I don't know why you'd mix those things together,
10 control, and the station's performance, which has nothing to
11 do with control, unless it relates to instructions that are
12 received from somebody else.

13 These Exhibits probably could have been reduced
14 considerably if you would have dealt with the control issue,
15 and if you wanted to make -- provide an Exhibit dealing with
16 the station's good works, and offer it in support of your
17 theory, that could have been one separate Exhibit, and could
18 have been presented by some official of the station showing
19 the station's good works and we could have had an up or down
20 rejection or of it, instead of putting it in every one of
21 these Exhibits and having to go through it.

22 MR. TOPEL: I apologize --

23 JUDGE CHACHKIN: I don't understand the way you
24 prepared these exhibits, what the purpose was in viewing
25 everyone of these witnesses with programmings, and good works,

1 instead of just putting it in one exhibit, this is the
2 programming, and this is our theory and this is it. But now
3 we have to deal with it, the way it is, it's been presented.

4 MR. COHEN: Have you ruled on 39, Your Honor?

5 JUDGE CHACHKIN: Yes. 39 is --

6 MR. SHOOK: Has the Bureau stated its position? The
7 Bureau had no objection to this paragraph. But if Your Honor
8 has stricken it, we should move on.

9 JUDGE CHACHKIN: All right. 39 is stricken.

10 MR. COHEN: Paragraph 40, I move to be stricken.

11 JUDGE CHACHKIN: Paragraph 40 would also be
12 stricken.

13 MR. COHEN: 41, which deals with a Minority Advisory
14 Board, which has not yet been established, Your Honor.

15 JUDGE CHACHKIN: Well, if it's not yet been
16 established, then it's irrelevant.

17 MR. COHEN: I object --

18 MR. TOPEL: Your Honor, there is testimony in
19 minutes of the Directors consulting with Mr. McClellan about
20 the establishment of the Minority Advisory Board, and Mr.
21 McClellan testifies to this at the end of paragraph 41, the
22 minutes are in the record, and he testified as to his report
23 to the Board, and Pastor Hill's affirmative suggestion of
24 something he should do, so that's direct testimony of Pastor
25 Hill's involvement in NMTV's affairs.

1 MR. COHEN: But Your Honor, the relevance is that
2 that's all well and good, but this Minority Advisory Board
3 hasn't been established, and so it's speculative, we don't
4 have any evidence on it.

5 MR. TOPEL: Well, Your Honor, if Mr. Cohen is
6 acknowledging that whether or not something was done is
7 relevant, then we have all the testimony that we've offered of
8 what we've done that's been stricken, that comes under the
9 category of his argument.

10 MR. COHEN: I --

11 MR. TOPEL: The point was who was involved in doing
12 things. And here, Pastor Hill has been involved in the
13 process of creating a Minority Advisory Board. And Mr.
14 McClellan has explained why it's been delayed, but Pastor
15 Hill's involvement is certainly relevant.

16 JUDGE CHACHKIN: And this is pursuant to the
17 direction of the Board?

18 MR. TOPEL: Yes, there are minutes of a Board
19 meeting.

20 JUDGE CHACHKIN: So what point -- what part of this
21 you say is relevant?

22 MR. TOPEL: Well, beyond the argument that the
23 discussions and the positions that we've already stated as to
24 other aspects of it, I would say the first sentence, and then
25 beginning on page 31, "When I reported on my plans at an NMTV

1 Meeting," through the end of that paragraph should stay in.

2 MR. COHEN: Your Honor, it's been pointed out to me
3 that Mr. Topel, and I'm sure inadvertently, because he's an
4 honorable man, would never say something he would believe
5 untrue.

6 JUDGE CHACHKIN: All right, all right. We know he's
7 an honorable man.

8 MR. COHEN: Yeah, but he just didn't --

9 MR. TOPEL: Thank you, Your Honor.

10 MR. COHEN: -- he wasn't accurate at all, Your
11 Honor.

12 JUDGE CHACHKIN: All right.

13 MR. COHEN: The language reflects that it was Mr. --
14 it was Mr. McClellan's idea to form the advisory board, not
15 Reverend Hill. Look when I reported on my plans to form the
16 advisory group --

17 MR. TOPEL: The Board approved it.

18 MR. COHEN: But it was -- Mr. Topel would have you
19 believe that it was Reverend Hill who suggested the Advisory
20 Board --

21 MR. TOPEL: I didn't say that.

22 MR. COHEN: -- that's what I heard him say.

23 MR. TOPEL: Mr. Cohen's an honorable man too, but I
24 didn't say that.

25 MR. COHEN: Well, that's sure the way it sounded to

1 me.

2 MR. SHOOK: Your Honor, may the Bureau be heard?

3 JUDGE CHACHKIN: Yes.

4 MR. SHOOK: I think that if there's evidence in the
5 record, that Dr. -- that Dr. Hill participated in some way in
6 the activities at the Portland station that that's relevant
7 evidence. I would suggest that we leave in the next to the
8 last sentence, at paragraph 41, that revise it very -- in a
9 limited -- to a limited extent, to say, "When I reported on my
10 plans to form an advisory board," rather than "the advisory
11 board," just change it to an advisory board. That way that
12 sentence alone can stand by itself, and the rest of the
13 paragraph can be stricken.

14 MR. TOPEL: Your Honor, the problem is that the
15 advisory board isn't completely defined, I think.

16 JUDGE CHACHKIN: Well, I will allow in the first
17 sentence of paragraph 41. And the last two sentences of
18 paragraph 41. On the grounds that it's been connected to some
19 action of the board or some indication by the Board and I'll
20 allow it in for that purpose.

21 MR. COHEN: Very well, Your Honor. I object to
22 paragraph 42, for the same reasons that I objected earlier.

23 JUDGE CHACHKIN: 42 does not appear to be tied into
24 the control issue, 42 will be stricken.

25 MR. COHEN: Same argument for 43, Your Honor.

1 JUDGE CHACHKIN: Similar, 43 will also be stricken.

2 MR. TOPEL: Your Honor, may I just have --

3 JUDGE CHACHKIN: Yes.

4 MR. TOPEL: -- a second? I have no new arguments to
5 make.

6 JUDGE CHACHKIN: All right. Paragraph 43 is
7 stricken. TBF Exhibit --

8 MR. COHEN: We have the tabs, Your Honor.

9 JUDGE CHACHKIN: Yes. We'll get to the tabs.

10 MR. COHEN: Mr. Schauble will handle that.

11 JUDGE CHACHKIN: All right. TBF Exhibit 109 is
12 received in evidence except as modified.

13 (Whereupon, the document referred to
14 as TBF Exhibit No. 109 was received
15 in evidence.)

16 JUDGE CHACHKIN: Now, we'll get to the tabs. I've
17 just ruled on the testimony of James C. McClellan. As far as
18 the tabs, any objection, what is -- any objection to Tab A?

19 MR. SCHAUBLE: No objection to Tab A.

20 JUDGE CHACHKIN: Any objection to Tab B?

21 MR. SCHAUBLE: Yes, Your Honor, I object to Tab B on
22 the grounds of irrelevance. The list of NMTV's recruitment
23 sources says nothing about who did the hiring, has no
24 relevance to this proceeding.

25 JUDGE CHACHKIN: Tab B is rejected as not relevant.

1 Tab C?

2 MR. SCHAUBLE: Your Honor, I object on the same
3 basis, this is a list of the station's recruitment lists.

4 JUDGE CHACHKIN: Tab C is rejected as not relevant.

5 Tab D?

6 MR. SCHAUBLE: Your Honor, I object to these on the
7 grounds of relevance.

8 MR. TOPEL: Your Honor --

9 MR. SCHAUBLE: These are letters to recruitment
10 sources.

11 MR. TOPEL: I'll -- Your Honor, but these letters
12 clearly indicate that they are letters from Mr. McClellan, so
13 they show that he did it. And I would indicate that it is
14 tied to his instructions he received from Mrs. Duff. There's
15 very specific testimony that she instructed me about our equal
16 employment responsibilities and that we had to go out and do
17 recruitment and it's very clear who is doing this act.

18 JUDGE CHACHKIN: Well, the fact of the matter is,
19 even if that's the case, I assume Mr. McClellan's testimony
20 indicates -- indicates that.

21 MR. TOPEL: Well, no, Your Honor, the --

22 JUDGE CHACHKIN: If it doesn't --

23 MR. TOPEL: -- it's been --

24 JUDGE CHACHKIN: If it doesn't indicate, what I'm
25 saying is that the -- this testimony doesn't indicate that he

1 was doing this pursuant to instructions from Ms. Duff, these
2 letters don't establish that fact. If it does indicate that
3 he was instructed by Ms. Duff to go out and hire employees,
4 then we don't need the letters.

5 It doesn't establish -- show anything further.
6 Unless someone is going to question whether in fact he did it,
7 as far as I can see, nobody's questioning that. So we don't
8 need the letters, it's just not necessary to prove it, whether
9 he did it or not. So Tab D is rejected. Tab E?

10 MR. SCHAUBLE: Your Honor, I object on the grounds
11 of relevance.

12 JUDGE CHACHKIN: Tab E is rejected, on the grounds
13 of relevance, since it doesn't indicate he did the hiring, it
14 only indicates who prepared reports. Or at least whose name
15 is listed. Tab F?

16 MR. SCHAUBLE: Objection on the basis of relevance,
17 Your Honor, these appear to be job announcements.

18 JUDGE CHACHKIN: Okay, that is stricken, it's not
19 relevant. Tab G?

20 MR. SCHAUBLE: Objection on the basis of relevance,
21 Your Honor, this is videotape referred to, I believe, in
22 paragraph 30, which Your Honor has already rejected.

23 JUDGE CHACHKIN: Tab G is rejected as not relevant.
24 Tab H?

25 MR. SCHAUBLE: Objection on the basis of relevance,

1 Your Honor.

2 JUDGE CHACHKIN: Tab H is rejected as not relevant.
3 Tab I?

4 MR. SCHAUBLE: Tab I, Your Honor, I object to on the
5 basis of relevance.

6 JUDGE CHACHKIN: Tab I is rejected on the basis of
7 relevance. Tab J?

8 MR. SCHAUBLE: Objection on the basis of relevance,
9 Your Honor.

10 JUDGE CHACHKIN: Tab J is rejected on the basis of
11 relevance. All right, now, we're at 110.

12 MR. TOPEL: Yes, Your Honor, TBF offers Exhibit 110.

13 JUDGE CHACHKIN: Objections?

14 MR. COHEN: Yes, Your Honor, for the same reasons
15 that have been urged earlier, if you want to hear argument
16 again, I'm prepared to make the argument.

17 JUDGE CHACHKIN: Is Mr. Warner going to be here as a
18 witness, or has he been requested?

19 MR. COHEN: He has not been requested.

20 MR. TOPEL: Oh, yes, he has, Your Honor.

21 MR. COHEN: Oh, he was requested?

22 MR. TOPEL: Absolutely, all of these people were
23 requested --

24 MR. COHEN: I've forgotten.

25 MR. TOPEL: -- by Glendale.

1 MR. COHEN: He's been requested. I will state right
2 now, Your Honor, regardless of your rule -- well, let me think
3 about this --

4 JUDGE CHACHKIN: Well, I propose to reject the
5 entire exhibit as not relevant to the question of control.
6 What's the Bureau's position?

7 MR. SCHONMAN: The Bureau would support that, Your
8 Honor, that is the rejection of the Exhibit.

9 MR. COHEN: I have the same arguments with 112, Your
10 Honor.

11 JUDGE CHACHKIN: For what?

12 MR. COHEN: The same argument for 110.

13 MR. TOPEL: We're up to 110, we're on 110 right now.

14 MR. COHEN: Excuse me, 111, I apologize.

15 JUDGE CHACHKIN: We're on 111 now.

16 MR. TOPEL: Okay, has 110 been rejected?

17 JUDGE CHACHKIN: 110 -- I mean 110 is what we're
18 talking about now.

19 MR. TOPEL: We're on 110.

20 JUDGE CHACHKIN: 110 is rejected as not relevant.

21 MR. COHEN: Your Honor, I have no additional
22 arguments to add to the ones I've already made.

23 JUDGE CHACHKIN: All right. 110 is rejected.

24 (Whereupon, the document referred to
25 as TBF Exhibit No. 110 is rejected.)

1 MR. COHEN: I have no additional argument to make,
2 Your Honor.

3 JUDGE CHACHKIN: Obviously since Mr. McClellan's
4 testimony -- I mean Mr. Warner's testimony has been rejected,
5 there's no need for cross examination.

6 MR. TOPEL: Correct.

7 JUDGE CHACHKIN: TBF Exhibit 110 is rejected. 111?

8 MR. COHEN: I object for the same reason we
9 expressed earlier.

10 JUDGE CHACHKIN: What's the Bureau's position?

11 MR. SCHONMAN: I'm sorry, Your Honor, we're on 111
12 right now?

13 JUDGE CHACHKIN: Yes, we're on 111 now.

14 MR. SCHONMAN: We would object to this exhibit for
15 the same reasons that the others have been rejected.

16 JUDGE CHACHKIN: TBF Exhibit 111 is rejected on the
17 grounds of irrelevance.

18 (Whereupon, the document referred to
19 as TBF Exhibit No. 111 is rejected.)

20 JUDGE CHACHKIN: TBF Exhibit 112, the testimony of
21 Brian King Mitchell, any objections?

22 MR. COHEN: Same argument.

23 MR. TOPEL: Your Honor, yeah, just for the record,
24 let me make clear, I offer Exhibit 110, I offer Exhibit 111,
25 and I offer -- should I do it on -- why don't I --

1 JUDGE CHACHKIN: Why don't you --

2 MR. TOPEL: -- why don't I offer Exhibits 110,
3 through Exhibits -- TBF Exhibits 110 through 115.

4 JUDGE CHACHKIN: All right.

5 MR. TOPEL: TBF offers all of those.

6 JUDGE CHACHKIN: All right. With respect to 112,
7 objections?

8 MR. COHEN: Same objections, Your Honor.

9 MR. TOPEL: Your Honor?

10 JUDGE CHACHKIN: Yes?

11 MR. TOPEL: I'd like to speak on 112 if I may.

12 JUDGE CHACHKIN: All right.

13 MR. TOPEL: Mr. -- Mr. Mitchell, at paragraph 2,
14 indicates that he was interviewed and hired by Mrs. Duff. And
15 to that extent I think it is relevant.

16 MR. COHEN: I agree.

17 MR. TOPEL: At least that portion of this document
18 is relevant.

19 JUDGE CHACHKIN: All right.

20 MR. COHEN: I overlooked that in my argument, -- is
21 well taken.

22 MR. TOPEL: So what is -- what is remaining?

23 JUDGE CHACHKIN: So I'll allow in paragraph 1, which
24 just states he's giving his testimony. Paragraphs 1 and 2
25 will be received, the remainder of the document will not be

1 received on the grounds of relevance.

2 MR. TOPEL: Your Honor, may I request now whether
3 Mr. Mitchell is going to be called --

4 MR. COHEN: No.

5 MR. TOPEL: -- for cross examination?

6 MR. COHEN: No, that would be burdensome.

7 JUDGE CHACHKIN: Does the Bureau still want --

8 MR. TOPEL: The Bureau did not want --

9 MR. SCHONMAN: We did not --

10 MR. TOPEL: -- only Glendale.

11 JUDGE CHACHKIN: All right, then Mr. Mitchell need
12 not appear for cross examination. TBF Exhibit 112 is received,
13 except as modified.

14 (Whereupon, the document referred to
15 as TBF Exhibit No. 112 was received
16 into evidence.)

17 JUDGE CHACHKIN: TBF Exhibit 113, any objection?

18 MR. COHEN: Yes. For the same reason.

19 MR. TOPEL: Your Honor, there's a similar reference
20 to Mrs. Duff in 113.

21 MR. COHEN: Yes.

22 JUDGE CHACHKIN: Well, it's similar in that this
23 individual testifies that he first approached Mrs. Duff, but
24 it doesn't say who actually hired him, I think the suggestion
25 from the testimony is that Mr. McClellan did so at a later

1 date.

2 MR. COHEN: I agree. I object to --

3 MR. SCHONMAN: I think the fact that he was
4 instructed, Mrs. Duff's involvement in the pro -- hiring
5 process, the testimony is that Brian Mitchell told Mr. Reenage
6 (phonetic) to call Mrs. Duff if he wanted a job, gave him Mrs.
7 Duff's number, and Mrs. Duff instructed him at that time there
8 were no jobs available, does directly show her involvement in
9 the process.

10 JUDGE CHACHKIN: All right. I will receive
11 paragraphs 1 and 2 relating to this hiring. The remainder of
12 the exhibit will be stricken as not relevant.

13 MR. TOPEL: And Your Honor, same request, is he
14 released from cross examination?

15 MR. COHEN: Yes.

16 MR. TOPEL: Thank you, Mr. Cohen.

17 JUDGE CHACHKIN: I believe we're making progress,
18 saving people trips. TBF Exhibit Number 113 is modified by my
19 rulings is received.

20 (Whereupon, the document referred to
21 as TBF Exhibit No. 113 was received
22 into evidence.)

23 JUDGE CHACHKIN: 114.

24 MR. COHEN: 114 for the same reason, Your Honor,
25 object to the same --

1 JUDGE CHACHKIN: Is there anything indicating how
2 she was hired?

3 MR. COHEN: That's what I was looking for. Mr.
4 Topel, I'm --

5 MR. TOPEL: I'm looking for it along with you. I
6 don't know.

7 MR. COHEN: Can I have a second to review it?

8 JUDGE CHACHKIN: Yes.

9 MR. COHEN: In paragraph 3, there's no reference to
10 who the gentleman spoke with, so I
11 assume --

12 MR. TOPEL: I think it's in the category of the ones
13 that don't have a reference to Mrs. Duff.

14 MR. COHEN: Then in that event I object.

15 JUDGE CHACHKIN: All right. Bureau's position? The
16 same?

17 MR. SCHONMAN: Yes.

18 JUDGE CHACHKIN: TBF Exhibit 114 is rejected on the
19 grounds of relevance.

20 (Whereupon, the document referred to
21 as TBF Exhibit No. 114 was rejected.)

22 MR. COHEN: 115 doesn't mention Mrs. Duff, so I
23 reject -- I object to 115.

24 MR. TOPEL: There is no reference to Mrs. Duff, Your
25 Honor.

1 JUDGE CHACHKIN: All right. TBF Exhibit 115 is also
2 rejected on the grounds of relevance. Does the Bureau have a
3 -- agree with that view?

4 MR. SCHONMAN: Yes.

5 JUDGE CHACHKIN: All right. TBF Exhibit 115 is also
6 rejected on the grounds of relevance.

7 (Whereupon, the document referred to
8 as TBF Exhibit No. 115 was rejected.)

9 MR. COHEN: Can we go off the record Your Honor?

10 JUDGE CHACHKIN: Yes.

11 (Off the record.)

12 (Back on the record.)

13 MR. TOPEL: Yes, Your Honor, with the withdrawal of
14 TBF Exhibit 116, that completes the offer of our written
15 direct case testimony, subject to cross examination of the
16 witnesses, on the disqualifying issues concerning TBF.

17 At this time, Your Honor, I would like to request
18 Your Honor's ruling on the issue of what cross examination
19 rights S.A.L.A.D. has. This was a matter that slipped through
20 the cracks at the pre-hearing conference, and I apologize for
21 that.

22 S.A.L.A.D. noticed six --

23 JUDGE CHACHKIN: Well, before we get into this,
24 let's find out if S.A.L.A.D. even intended to cross examine on
25 the control issue, perhaps we don't have a problem.

1 MR. McCURDY: S.A.L.A.D. does intend to cross
2 examine --

3 JUDGE CHACHKIN: Does?

4 MR. McCURDY: Yes.

5 MR. TOPEL: S.A.L.A.D. --

6 JUDGE CHACHKIN: Does Mr. Honig want to be here to
7 address this problem or --

8 MR. McCURDY: Uh --

9 JUDGE CHACHKIN: -- are you prepared to address it?

10 MR. McCURDY: I mean so far I don't think he needs
11 to be here.

12 JUDGE CHACHKIN: Well, the question has been raised
13 as to whether --

14 MR. McCURDY: Right, I mean --

15 JUDGE CHACHKIN: -- or not he should be allowed to
16 cross examine, in view of the fact that he didn't -- he made a
17 general statement about witnesses, but he didn't indicate
18 specific witnesses.

19 MR. TOPEL: Well, he noticed six witnesses, we have
20 no objection to his cross examining those. One of them is
21 Pastor Aguilar whose cross examination has been stipulated, is
22 unnecessary. But we have no objection to his cross examining
23 the five witnesses that he has noticed.

24 We do object to the reliance on the witness
25 notifications of other parties. We feel that S.A.L.A.D.

1 should be restricted to cross examining the witnesses, that
2 S.A.L.A.D. has requested to cross examine.

3 JUDGE CHACHKIN: S.A.L.A.D. did make a general
4 statement, that if they wish to cross examine any other
5 witnesses.

6 MR. TOPEL: Yes, if anybody else requests. But we
7 don't think that's proper.

8 JUDGE CHACHKIN: Well, I'm going to take the liberal
9 approach, and I'll ask S.A.L.A.D. cross examine the witnesses
10 that they wish. And it may very well be that they may not
11 cross examine any witnesses, except for the five that they
12 requested, but -- and we -- if it's duplicate -- I won't
13 permit it. But I'll afford them the opportunity to cross
14 examine if they wish.

15 MR. TOPEL: Thank you, I just wanted to get that
16 clarified --

17 JUDGE CHACHKIN: All right.

18 MR. TOPEL: -- before witnesses appeared.

19 JUDGE CHACHKIN: Now, we can move on to the next
20 topic.

21 MR. EMMONS: I think next, Your Honor, and I'll be
22 taking over for Mr. Topel, I think he needs a rest at this
23 point. Would be the identification in offering the evidence
24 of TBF's exhibits on the Glendale issue, and these were
25 originally exchanged as TBF Exhibits 201 through 265.

1 There'll be a couple of modifications there, which I'll
2 explain.

3 And the first matter numerically, also is the first
4 modification. TBF had, in Volume 3-A of its bound exhibits,
5 it offered as Tabs 201 and 202 -- or excuse me, as Exhibits
6 201 and 202, the deposition, or portions of the deposition
7 testimony, first of Edward Rich, and second of Barry March.

8 Pursuant to discussion between Glendale and TBF
9 informally since the Exhibit Exchange dates, we have agreed
10 upon a modification of that process and this will have the
11 happy result of making it unnecessary for two -- two other
12 people to have to come down to testify.

13 The modification is this, Your Honor. TBF will not
14 offer what it had exchanged as TBF Exhibits 201 and 202. In
15 lieu of that, TBF and Glendale are jointly offering what would
16 be TBF/Glendale Joint Exhibit 5, which is the full deposition
17 testimony of Barry March, and TBF/Glendale Joint Exhibit 6,
18 which is the full deposition testimony of Edward Rich, III.
19 These go in as joint TBF/Glendale Exhibits.

20 I've placed a copy on the table for all parties
21 previously, and I have given the reporter -- prerequisite two
22 copies. Let me take then one by one. TBF/Glendale Joint
23 Exhibit 5, is the transcript of the deposition of Barry L.
24 March, which was taken on Friday, September 10, 1993, and it
25 consists of a total of 146 pages of transcript and related

1 deposition exhibits. May I ask that that be identified at
2 this point as TBF/Glendale Joint Exhibit Number 5?

3 JUDGE CHACHKIN: The document described, is so
4 marked.

5 (Whereupon, the document referred to
6 as TBF/Glendale Joint Exhibit 5 was
7 marked for identification.)

8 MR. EMMONS: And at this point, I would offer to you
9 TBF/Glendale Joint Exhibit 5 into evidence.

10 JUDGE CHACHKIN: Any objection?

11 MR. SCHONMAN: None, Your Honor.

12 JUDGE CHACHKIN: TBF/Glendale Joint Exhibit 5 is
13 received.

14 (Whereupon, the document referred to
15 as TBF/Glendale Joint Exhibit 5 was
16 received into evidence.)

17 MR. EMMONS: The next is -- which I'd ask to be
18 identified as TBF/Glendale Joint Exhibit 6, is the transcript
19 of the deposition testimony of Edward Rich, III, taken on
20 Friday, September 10, 1993, and this document consists of 181
21 pages, of deposition transcript, and related deposition
22 Exhibits.

23 JUDGE CHACHKIN: The document described is marked
24 for identification as TBF/Glendale Joint Exhibit 6.

25 (Whereupon, the document referred to

1 as TBF/Glendale Joint Exhibit 6 was
2 marked for identification.)

3 MR. EMMONS: At this point, Your Honor, I will offer
4 TBF/Glendale Joint Exhibit Number 6 into evidence.

5 JUDGE CHACHKIN: Any objection?

6 MR. SCHONMAN: None, Your Honor.

7 JUDGE CHACHKIN: The document is received.

8 (Whereupon, the document referred to
9 as TBF/Glendale Joint Exhibit 6 was
10 received into evidence.)

11 MR. EMMONS: Then next Your Honor, would be -- I'd
12 like to proceed, again we have, the total is I think five
13 volumes here, Your Honor, I can do them by volume, I can do
14 them one at a time, or I can go through all of them for
15 identification purposes before offering any of them.

16 JUDGE CHACHKIN: Why don't you go through all of
17 them for identification.

18 MR. EMMONS: Very well. The first is what I'd ask
19 to be identified as TBF Exhibit 203. It is a 25 page document
20 consisting of an application for low power construction permit
21 filed by Raystay Company, for Channel 23, Lancaster,
22 Pennsylvania.

23 (Whereupon, the document referred to
24 as TBF Exhibit No. 203 was marked for
25 identification.)

1 JUDGE CHACHKIN: I thought you were going to say
2 them all before I --

3 MR. EMMONS: Oh, I'm sorry. Yes, sir. TBF Exhibit
4 204 is --

5 JUDGE CHACHKIN: Why don't you do it ten at a time
6 so perhaps it won't be confusing. So 203 to 210 and then just
7 continue there.

8 MR. EMMONS: All right.

9 JUDGE CHACHKIN: I'll make my remark.

10 MR. EMMONS: 204 is a 25 page document which is an
11 application for low power construction permit for Channel 31,
12 Lancaster, Pennsylvania, filed by Raystay Company.

13 (Whereupon, the document referred to
14 as TBF Exhibit No. 204 was marked for
15 identification.)

16 MR. EMMONS: TBF Exhibit 205 is a 25 page document
17 consisting of an application for low power construction
18 permit, for Lebanon, Pennsylvania, Channel 38, filed by
19 Raystay Company.

20 (Whereupon, the document referred to
21 as TBF Exhibit No. 205 was marked for
22 identification.)

23 MR. EMMONS: TBF Exhibit 206 is a 25 page document
24 consisting of a low power television application for Channel
25 55, Lebanon, Pennsylvania, filed by Raystay Company.